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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MARTIN TORRES,

Defendant and Appellant.

2d Crim. B271483
(Super. Ct. No.2015018046)
(Ventura County)

Appellant Martin Torres was convicted by a jury of possession for sale of a controlled substance (Health & Saf. Code, § 11378; count 1), possession of a controlled substance with a firearm (*id.*, § 11370.1, subd. (a); count 2), possession of an assault weapon (Pen. Code, § 30605, subd. (a));¹ count 3), possession of an assault weapon (*ibid.*; count 4), and possession of a large capacity magazine (§ 32310, subd. (a); count 5). The trial court found true the special allegation that appellant was

¹ All statutory references are to the Penal Code unless otherwise stated.

personally armed with a firearm during the commission of count 1 (§ 12022, subd. (c)).

The trial court sentenced appellant to a term of six years eight months in state prison, consisting of the middle term of two years on count 1, a consecutive term of four years for the special allegation enhancement, a consecutive term of eight months on count 3, a concurrent term of 16 months on count 4 and a concurrent term of 16 months on count 5. The sentence on count 2 was stayed pursuant to section 654. Appellant was awarded 524 days of presentence custody credit.

We appointed counsel to represent appellant in this appeal. After an examination of the record, counsel filed an opening brief requesting that the court make an independent review under *People v. Wende* (1979) 25 Cal.3d 436.

On September 20, 2016, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. We have received no response.

In May 2015, Detective Eduardo Malagon of the Ventura County Sheriff's Office obtained permission to wiretap appellant's phones for 30 days. During that time, Detective Malagon listened to phone calls and observed text messages consistent with the sale and purchase of controlled substances. Based on that information, he secured warrants to search both appellant's apartment and appellant's mother's residence.

During the search of appellant's apartment, deputies found five firearms and a large capacity magazine. They also discovered four baggies of methamphetamine and \$2,000 in cash.

While searching appellant's mother's residence, deputies found a loaded handgun, a semi-automatic pistol and

ammunition. They also discovered a digital scale with white residue and a spoon containing white residue. A suspected “pay-owe” notebook with names and telephone numbers was found, along with more bags of methamphetamine.

After appellant was arrested, he waived his *Miranda* rights and admitted to Detective Malagon that he owned the firearms seized during the searches. Appellant also admitted to possessing the methamphetamine, but claimed it was for personal use. He stated “he likes to party like a rock star.” At trial, Detective Malagon opined that the packaging of the methamphetamine, along with the use of the scale and the pay-owe sheet, indicated that appellant was selling controlled substances.

We have reviewed the entire record and are satisfied that appellant’s counsel has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Ferdinand D. Innumerable, Judge
Superior Court County of Ventura

Earl E. Conaway, III, under appointment by the
Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.